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UNCLAS SECTION 01 OF 08 STATE 060447

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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [CH](#)
SUBJECT: CHINA -- 2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. (A) STATE 59732
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of the People's Republic of China of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of the People's Republic of China and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of the People's Republic of China of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw

host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of China,s country narrative in the 2009 TIP Report:

CHINA (TIER 2 WATCH LIST)

The People,s Republic of China (PRC) is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and sexual exploitation. Although the majority of trafficking in the

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PRC occurs within the country,s borders, there is also considerable trafficking of PRC citizens to Africa, other parts of Asia, Europe, Latin America, the Middle East, and North America. Women are lured through false promises of legitimate employment and forced into commercial sexual exploitation largely in Taiwan, Thailand, Malaysia, and Japan. Chinese women and men are smuggled throughout the world at great personal financial cost and then forced into commercial sexual exploitation or exploitative labor to repay debts to traffickers. Women and children are trafficked to China from such countries as Mongolia, Burma, North Korea, Russia, Vietnam, Romania, and Ghana for purposes of forced labor, marriage, and sexual slavery. There were new reports that Vietnamese men are trafficked to China for forced labor and ethnic Hmong girls and women from Vietnam trafficked for forced marriages in China. Some women from Tibet were trafficked to Indonesia for forced prostitution. Some North Koreans seeking to leave their country enter northeastern China and are subsequently subjected to sexual servitude or forced labor. North Korean women are often sold into forced marriages with Chinese nationals, or forced to work in internet sex businesses. Some experts and NGOs suggested trafficking in persons has been fueled by economic disparity and the effects of population planning policies, and that a shortage of marriageable women fuels the demand for abducted women, especially in rural areas. While it is difficult to determine if the PRC,s male-female birth ratio imbalance, with more males than females, is currently affecting trafficking of women for brides, some experts believe that it has already or may become a contributing factor.

Forced labor remained a serious problem in penal institutions. This was mainly the product of administrative decisions, rather than the result of due process and conviction. Many prisoners and detainees in reeducation through labor facilities were required to work, often with no remuneration. Some children are abducted for forced begging and thievery in large cities. There were numerous confirmed reports of involuntary servitude of children, migrant workers, and abductees in China. In April 2008, a Chinese newspaper uncovered an extensive child forced labor network in Guangdong province that reportedly took thousands of children as young as seven years old from poor rural areas of Sichuan province, populated largely by the Yi minority, to work in factories in southeastern China. According to the report, the children were sold in labor markets to factory owners and forced to work 10 hours a day, seven days a week,

for as little as 30 cents per hour. These children were found near Dongguan, where in total over 500 children from Sichuan were discovered working in a factory in June 2007. In October 2008, a Chinese blogger exposed publicly several cases of child labor in Wuhan factories, and reported that the factories had evaded detection by receiving advance warning of pending labor inspections. Under the government-sanctioned work-study programs, elementary schools supplied factories and farms with forced child labor under the pretext of vocational training. Students had no say in the terms and conditions of their employment, and little to no protection from abusive work practices. Conditions in this program included excessive hours with mandatory overtime, dangerous conditions, low pay, and involuntary pay deductions. The Xinjiang provincial government forced thousands of local students to labor through &work-study8 programs in order to meet yearly harvesting quotas. Overseas human rights organizations alleged that government-sponsored labor programs forced Uighur girls and young women to work in factories in eastern China on false pretenses and without regular wages. During the year, international media reported over 300 children, many of them from Xinjiang, were laboring in a shoe factory in eastern China as a part of a government labor transfer program. The group included many Uighur girls, whose families were reportedly coerced and in some cases threatened by government officials to participate in the program using fake or swapped identification cards provided by the government. Additionally, authorities in Xinjiang reportedly continued to impose forced labor on area farmers in predominantly ethnic minority regions. In recent years, organized criminal networks have become more sophisticated at cheating and abducting migrant workers, including abduction by anesthetizing the often unsupervised children of migrant worker parents.

Experts believe that the number of Chinese trafficking victims in Europe is growing dramatically, where large informal economies create a &pull8 for exploitable labor. While some Chinese enter Europe legally and overstay their visas, others are smuggled in and work as domestic servants and in underground sweatshops. Some trafficking victims are exploited in the sex trade. Teenage girls from China are

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trafficked into the UK for prostitution, and Chinese children are reportedly trafficked into Sweden by organized criminal networks for forced begging elsewhere in Europe. In February 2009, seven Chinese sex trafficking victims were rescued in Ghana, having been forced into prostitution by Chinese traffickers who had promised them jobs as waitresses.

The Chinese government does not fully comply with the minimum standards for the elimination of trafficking; however it is making significant efforts to do so. Despite these efforts, the Chinese government did not demonstrate progress in combating human trafficking from the previous year, particularly in terms of punishment of trafficking crimes and the protection of Chinese and foreign victims of trafficking; therefore, China is placed on Tier 2 Watch List. Forced labor, especially forced child labor, remains a serious problem in the country. Despite substantial resources, during the reporting period, the government did not make efforts to improve victim assistance programs. Protection of domestic and foreign victims of trafficking remains insufficient. Victims are sometimes punished for unlawful acts that were a direct result of their being trafficked) such as violations of prostitution or immigration/emigration controls. The Chinese government continued to treat North Korean trafficking victims as unlawful economic migrants, and routinely deported them back to horrendous conditions in North Korea. Additional challenges facing the Chinese government include the enormous size of its trafficking problem and corruption and complicity in trafficking by some local government officials. Factors that continue to impede progress in anti-trafficking efforts include tight controls over civil society organizations, restricted access of

foreign anti-trafficking organizations and the government,s systemic lack of transparency.

Recommendations for China: Revise anti-trafficking laws and the National Plan of Action to criminalize and address all forms of labor and sex trafficking in a manner consistent with international standards; significantly improve efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including public officials complicit in trafficking; increase efforts to address labor trafficking, including prosecuting and punishing recruiters and employers who facilitate forced labor and debt bondage, and provide protection services to victims of forced labor; continue to increase cooperation with foreign governments on cross-border trafficking cases; adopt proactive procedures to identify victims of trafficking among vulnerable groups, such as migrant workers and foreign women and children arrested for prostitution; increase efforts to protect and rehabilitate both sex and labor trafficking victims; provide foreign victims with legal alternatives to removal to countries in which they may face hardship or retribution; conduct a campaign to reduce the demand for forced labor and commercial sex acts; and adhere to its obligations as party to the 1951 Refugee Convention and its 1967 Protocol, including by not expelling North Koreans protected under those treaties and by cooperating with UNHCR in the exercise of its functions.

Prosecution

China,s domestic laws do not conform to international standards on trafficking; China,s definition of trafficking does not prohibit non-physical forms of coercion, fraud, debt bondage, involuntary servitude, forced labor, or offenses committed against male victims, although some aspects of these crimes are addressed in other articles of China,s criminal law. China,s legal definition of trafficking also does not automatically regard minors over the age of 14 who are subjected to the commercial sex trade as victims. While Article 244 of China,s Criminal Code bans forced labor by employers, the prescribed penalties of up to three years, imprisonment or a fine under this law are not sufficiently stringent. Additionally, Chinese law does not recognize forms of coercion other than abduction as constituting a means of trafficking. Based on China,s limited definition of trafficking,⁸ and the government,s conflation of human smuggling and trafficking offenses, the Ministry of Public Security (MPS) reported investigating 2,566 potential trafficking cases in 2008. Law enforcement authorities arrested and punished some traffickers, but a lack of transparency and due process, as well as a paucity of trafficking-specific law enforcement data inhibits an accurate assessment of these efforts. Several foreign governments reported a lack of cooperation by Chinese authorities in transnational trafficking cases involving foreign trafficking victims in China. During the year, the government did not provide the United Nations with data on

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prosecutions, convictions, or sentences of traffickers. Consequently, China was not among the 155 countries covered by the UN,s Global Report on Human Trafficking released in February 2009. Government efforts described as addressing human trafficking were aimed at sex trafficking during the reporting period. In November 2008, police in Fujian province reportedly discovered a trafficking case involving 18 Vietnamese women who had been trafficked to Yunnan, Guangxi and other provinces in China for marriage. Also in Fujian, in December, police arrested 10 members of a criminal gang accused of having trafficked 10 female sex workers to men in isolated villages for approximately USD 800 to USD 1,200 each. In Guizhou Province, official media reported that 29 defendants were convicted for trafficking more than 80 female victims for forced marriage, and the main defendant was sentenced to death. According to official media, police in Xinjiang Uighur Autonomous Region rescued 746 children

from trafficking gangs which had kidnapped and forced them into pick-pocketing. The Xinjiang Public Security Bureau reported that 177 suspects were arrested. Reported incidents in 2008 involving forced and child labor reflect continuing legal and administrative weaknesses in China,s anti-trafficking enforcement. Subsequent to the April 2008 discovery of a massive child labor market in Southeast China, the Dongguan local government claimed that it found no evidence of large-scale child labor during its raids on over 3,600 work sites in two days. Nonetheless, raids led to the rescue of at least 167 children, according to local police sources. Despite the discovery of child laborers and reports that some minors were raped by factory operators, the government did not criminally or administratively prosecute or convict any employers for any labor offenses. The Guangdong provincial government subsequently denied earlier reports and retracted police statements, claiming that police had found only six underage workers, none of whom had been raped or abducted. In a child labor case in Wuhan, authorities announced a crackdown on child labor in small-scale workshops in Wuhan, but there was no further reporting on the story. There were continued reports of local officials, complicity in trafficking, including by providing advance warning of pending labor inspections and brothel raids. The Chinese government has not demonstrated concerted efforts to investigate, prosecute, and punish government officials for complicity in human trafficking.

Protection

China continued to lack adequate victim protection services throughout most the country. There continued to be no dedicated government assistance programs for victims of trafficking. China has an inadequate number of shelters to assist trafficking victims, and regularly returns trafficking victims to their homes without access to counseling or psychological care. Most of the existing shelters are temporary, not exclusive to trafficking victims, and provide little or no care to repatriated victims. Provincial women,s federation offices provide counseling on legal rights, rehabilitation, and other assistance to trafficking victims. Local governments continue to rely on NGOs and international organizations for technical and material support to identify victims and provide victim protection services. The government continues to obstruct the independent operation of NGOs and international organizations that provide assistance on trafficking issues. Trafficking victims were generally repatriated involuntarily without any rehabilitation assistance. There was no reported protection or rehabilitation provided to the 167 children rescued from factories near Dongguan. The government has not provided any assistance to the Chinese sex trafficking victims identified in Ghana, who face threats and retaliation from their traffickers if they return to China. The Chinese government continues to lack systematic procedures to identify trafficking victims, including victims of sex trafficking, among those it arrests for prostitution, in order to refer them to organizations providing services and to ensure that they are not inappropriately penalized for unlawful acts committed as a result of being trafficked. The All-China Women,s Federation (ACWF), a quasi-government entity, reported that ongoing problems required intervention to protect trafficking victims from unjust punishment. MPS officials stated that repatriated victims of trafficking no longer faced fines or other punishment upon their return, but authorities acknowledged that Chinese and foreign victims sometimes are sentenced or fined because of police corruption, the lack of capacity to identify trafficking victims, or provisions allowing for the imposition of fines on persons traveling without proper documentation. Some border officials are trained by MPS to identify potential victims of trafficking. In October 2008, 200 Burmese women

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were arrested and jailed in China for immigration violations; they had allegedly been smuggled into the country under the

pretext of finding work and were reportedly sold and forced to marry Chinese men. Reports suggest that many of the women were deported to Burma, while others were expected to serve three-month prison sentences for violating Chinese immigration laws. The Ministry of Civil Affairs began working with the International Organization for Migration (IOM) on an IOM-funded training module for the identification, protection, and reintegration of trafficking victims. The government does not provide foreign victims with legal alternatives to removal to countries in which they may face hardship or retribution. Some trafficking victims have faced punishments in the form of fines for leaving China without proper authorization

In the year leading up to the 2008 Beijing Summer Olympic Games, Chinese authorities stepped up efforts to locate and forcibly repatriate North Korean refugees in China) including trafficking victims ---- in violation of their commitments on the humane treatment of refugees under international law. China continues to treat North Korean trafficking victims solely as illegal economic migrants and reportedly deports a few hundred of them each month to North Korea, where they may face severe punishment. Chinese authorities continue to limit the UN High Commissioner for Refugees, (UNHCR) access to North Korean refugees in China. The lack of access to UNHCR assistance and constant fear of forced repatriation by Chinese authorities leaves North Korean refugees more vulnerable to human traffickers.

Prevention

China made some effort to prevent trafficking in persons during the reporting period. In light of the size of China,s trafficking problem, however, more needs to be done. Targeted public awareness campaigns, run by the All-China Women,s Federation (ACWF), continued to disseminate information on trafficking prevention and focused on reaching young female migrant workers. ACWF also continued to identify model communities that protected women's rights, offered legal and psychological assistance for victims of domestic violence and trafficking, and made available shelters for vulnerable women. Government agencies, associations, and youth organizations continued to run hotlines for victims of trafficking-related crimes, including forced child labor. Hotlines for migrant workers whose rights had been violated were also continued in 15 provinces.

Provincial governments in Yunnan, Sichuan, and Guangxi continued their own prevention campaigns, including radio broadcasts, brochures, performances, poster shows, and targeted campaigns to spread the word among Chinese women of the dangers of trafficking and how to avoid becoming a victim. In Beijing, the government held an anti-trafficking publicity campaign on International Women,s Day to raise public awareness of human trafficking and to publicize prevention measures. The national government has not addressed two policies that may create vulnerabilities to trafficking: the birth limitation policy that contributes to a gender imbalance that some believe has led to bride trafficking in the Chinese population, and the unevenly implemented hukou (household registration) system that controls the movements of internal migrants. During the reporting period, China issued implementation guidelines for its 2008 National Plan of Action to define roles and responsibilities of relevant agencies, and provincial action plans were developed in four provinces. The Ministry of Public Security (MPS) held training courses for approximately 2,000 police officers in 10 provinces on anti-trafficking measures, as well as training on combating cross-border trafficking. Police officers responsible for anti-trafficking measures participated in anti-trafficking and victim protection training courses overseas, and the MPS co-hosted training sessions with counterparts in Vietnam and Burma. The government did not take any noticeable measures during the reporting period to reduce the demand for forced labor, commercial sex acts, or child sex tourism. Chinese forces participating in peacekeeping initiatives abroad have not been implicated in trafficking while overseas, but did not receive specific training on trafficking in persons prior to

deployment. China has not ratified the 2000 UN TIP Protocol.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

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-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in

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workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion. "

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was China again given a ranking of Tier 2 Watch List?

A: The Chinese government does not fully comply with the minimum standards for the elimination of trafficking; however it is making significant efforts to do so. Despite these significant efforts, the Chinese government did not demonstrate progress in its efforts to combat human trafficking from the previous year, particularly in terms of punishment of trafficking crimes and the protection of Chinese and foreign victims of trafficking; therefore, China is placed on Tier 2 Watch List for a sixth consecutive year. Forced labor, especially forced child labor, remains a

serious problem in the country. Despite substantial resources, during the reporting period, the government did not make efforts to improve victim assistance programs. Protection for domestic and foreign victims of trafficking remains insufficient. Victims are sometimes punished for unlawful acts that were a direct result of their being trafficked) such as violations of prostitution or immigration/emigration controls. The Chinese government continued to treat North Korean trafficking victims as unlawful economic migrants, and routinely deporting them back to horrendous conditions in North Korea. Additional challenges facing the PRC government include the enormous size of its trafficking problem and the significant level of corruption and complicity in trafficking by some local government officials.

Q2: What progress has China made in the past year?

A: The All-China Women,s Federation (ACWF) continued to disseminate information on trafficking prevention and focused on reaching young female migrant workers. Government agencies, associations, and youth organizations continued to run hotlines for victims of trafficking-related crimes, including forced child labor. During the reporting period, China issued implementation guidelines for its 2008 National Plan of Action to define roles and responsibilities of relevant agencies, and provincial action plans were developed in four provinces. The Ministry of Public Security (MPS) held training courses for approximately 2,000 police officers in ten provinces on anti-trafficking measures, as well as training on combating cross-border trafficking. Nevertheless, In light of the size of China,s trafficking problem, however, more needs to be done.

Q3: Have there been instances of trafficking in persons associated with the 2008 Beijing Summer Olympic Games?

A: In the year leading up to the 2008 Beijing Summer Olympic Games, Chinese authorities stepped up efforts to locate and

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forcibly repatriate North Korean refugees in China) including trafficking victims -- in violation of their commitments on the humane treatment of refugees under international law. China continues to treat North Korean trafficking victims solely as illegal economic migrants and reportedly deports a few hundred of them each month to North Korea, where they may face severe punishment. Chinese authorities continue to limit the UN High Commissioner for Refugees, (UNHCR) access to North Korean refugees in China. The lack of access to UNHCR assistance and constant fear of forced repatriation by Chinese authorities leaves North Korean refugees more vulnerable to human traffickers. The 2008 Trafficking in Persons Report also noted a Chinese factory licensed to produce products bearing the 2008 Olympics logo that admitted to employing children as young as 12 years old who were required to work 15 hours a day for little pay. There were no individuals reported prosecuted in that case of child labor.

Q4: What efforts could China make to improve its fight against trafficking in persons?

A: The Government of China could: revise anti-trafficking laws and the National Plan of Action to criminalize and address all forms of labor and sex trafficking in a manner consistent with international standards; significantly improve efforts to investigate and prosecute trafficking offenses and convict and punish trafficking offenders, including public officials complicit in trafficking; increase efforts to address labor trafficking, including prosecuting and punishing recruiters and employers who facilitate forced labor and debt bondage, and provide protection services to victims of forced labor; increase cooperation with foreign governments on cross-border trafficking cases adopt proactive procedures to identify victims of trafficking among

vulnerable groups, such as migrant workers and foreign women and children arrested for prostitution; increase efforts to protect and rehabilitate both sex and labor trafficking victims; provide foreign victims with legal alternatives to removal to countries in which they may face hardship or retribution; conduct a campaign to reduce the demand for forced labor and commercial sex acts; and adhere to its obligations as party to the 1951 Refugee Convention and its 1967 Protocol, including by not expelling North Koreans protected under those treaties and by cooperating with UNHCR in the exercise of its functions.

¶12. The Department appreciates posts, assistance with the preceding action requests.
CLINTON